IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.1477 of 2006
Date of Decision : December 04, 2006.

Jeet Singh ..... Petitioner

Vs.

Satish Kumar ..... Respondent

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.Anupam Singla, Advocate
for the petitioner.

Mr.Manuj Devgan, Advocate
for the respondent.

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P.S.Patwalia, J. (Oral) :

The present revision petition has been filed against the order dated 4.3.2006 vide which the petitioner was allowed leave to defend the suit subject to the condition that he will deposit 50% of the suit amount in the Court and furnish a security for the remaining amount within 15 days. The suit had been filed by the plaintiff-respondent for the recovery of Rs.3,51,600/- on the basis of a pronote and receipt dated 14.5.2002 having been executed by the petitioner in favour of the plaintiff-respondent.

Learned counsel for the petitioner submits that he has taken a stand in the written statement that the pronote which is basis of the suit is false, forged and fabricated document. He therefore submits that in the light of this stand he cannot be asked to furnish either any security or deposit of the amount as he has raised a triable issue. For this he has relied upon a judgment of Hon'ble Supreme Court in ***M/s Mechalec Engineers and Manufacturers v. M/s Basic Equipment Corporation, AIR 1977***

Supreme Court 577.

On the other hand learned counsel for the respondent-plaintiff states that if this is permitted then in every case on a mere bald statement to this effect the petitioner will escape the liability of any security or deposit of the amount and the very purpose of Order 37 would stand frustrated.

At one stage learned counsel for the petitioner had made a plea that the petitioner was a poor man and has almost no immovable property. Counsel for the respondent had controverted this plea. An affidavit was filed by him giving the details of immovable property owned by the petitioner. The details as furnished by the counsel for the respondent have been admitted by the counsel for the petitioner.

On consideration of the facts I am of the opinion that in this case the petitioner has made a statement that the pronote is false, forged and fabricated. It is a mere bald statement. In the same reply he also states that the plaintiff is a money lender and has a license for money lending. Therefore I am of the opinion that interest of justice would be secured in this case if the petitioner is granted leave to defend the suit on his furnishing security in the form of immovable property to the tune of Rs.1.50 lacs before the trial court.

The revision petition stands disposed of in the aforementioned terms.

December 04, 2006 (P.S.Patwalia)
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